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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,485	08/30/2001	Michael D. Vrska JR.	WG0091	3494

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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 07/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/945,485

Applicant(s)

VRSKA, MICHAEL D.

Examiner

Tom P Duong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 and 9-35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 and 9-35 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 4-7, 9-15, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huggins et al. (4,156,526) in view of Rohrer '997. Regarding claims 1, 4, 9-11, 15, 18, and 22-23, Huggins discloses a putter head (Figures 1-6) comprising a heel portion; a toe portion; a single, one-piece insert E press-fit or castably formed (Col. 2, lines 40-42) in the recess of sidewall 10 (Figures 3 and 4). Huggins does not teach the rear portion of the wall being formed with variable thickness. Rohrer teaches a variable depth cavity 13 to accommodate a thicker elastomer at the center and thinner at its periphery to maximize energy absorption at the center (Col. 5, lines 6-14). Thus, it would have been obvious in view of Rohrer to one having ordinary skill in the art to modify the sidewall of Huggins with recess having variable rearward depth as taught by Rohrer in order to maximize energy absorption. Regarding claims 5 and 19, Rohrer discloses an insert made of viscoelastic elastomer which is a lightweight material (Col. 4, lines 38-40). Regarding claims 6 and 20, Official Notice is taken that it is known in the art that such elastomer can be transparent or translucent to allow labeling of manufacturer name and logo. Regarding claims 7 and 21, Rohrer shows on Figures 1-7

that different insert shapes or configurations (Col. 4, lines 47-52). Regarding claims 12-13, 24, and 25, Rohrer discloses the insert preferably has a hardness 70 Shore A hardness (See Col. 3, lines 15-18 and Col. 2, lines 22-30). Regarding claims 14 and 26, Rohrer shows on Figures 12 and 13A first rearward depth is greater than the second and third rearward depths.

2. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied in claim 1 and further in view of Fisher (6,270,422). The prior art does not disclose a sole portion wherein the upper surface has a sight line; however, Fisher shows a putter head having a sight line 34 to allow a golfer to align the putter head with the sweet spot. Thus, it would have been obvious in view of Fisher to one having ordinary skill in the art to include a sight line 34 as taught by Fisher in prior art for alignment aid.

3. Claims 3, 17, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied in claims 1 and 2, and further in view of Grim, Jr. et al. (5,551,694). The prior art does not disclose a sole portion has an elongate sole slot parallel to the striking face. Grim, Jr. teaches on Figure 5 vertical cuts 36 thru the sole to provide aesthetically sound for accurate putting. It would have been obvious and desirable in view of Grim, Jr. to one having ordinary skill in the art to include the vertical cuts as taught by Grim, Jr. to prior art in order to provide a pleasant sound for accurate putting. Claims 27-35 recite limitations similar to claims 1-26, respectively. Thus, claims 27-35 are rejected for the same reasons as applied in claims 1-26.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 873-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong
July 21, 2003



Paul T. Sewell
Supervisory Patent Examiner
Group 3700